

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed July 13, 2006 rejected claims 1-23. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-23 are pending. More specifically, claims 1 and 19-23 are amended. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 22-23 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 1-3 and 7-23 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407). Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Chen, et al.* (U.S. Publication No. 2003/0054810). Claim 5 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Chen, et al.* (U.S. Publication No. 2003/0054810) in further view of *Mousseau, et al.* (U.S. Patent No. 5,559,800). These rejections are respectfully traversed.

II. Claim 19 is Clearly Allowable

Applicant first contends that no reference or combination thereof discloses or suggests claim 19 and, therefore, claim 19 is clearly allowable. Applicant respectfully submits that because of the uniqueness of the claim limitations, and especially those added through the foregoing amendment, claim 19 is clearly allowable over all prior references. It is respectfully requested that serious consideration be given to allowing claim 19.

III. Rejections Under 35 U.S.C. §101

The Office Action rejects claims 22-23 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. In an effort to address the Examiner's concerns, claims 22-23 have been amended to claim a computer readable storage medium. In view of this amendment, Applicant respectfully submits that the rejection to claims 22-23 should be withdrawn.

IV. Rejections Under 35 U.S.C. §102(e)**A. Claims 1-3 and 7-19**

The Office Action rejects claims 1-3 and 7-19 under 35 U.S.C. §102(e) as allegedly being anticipated by *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1, as amended, recites:

1. A communication method, comprising:
receiving a request for a telecommunications service from a wireless client;
providing by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the geographic location of the wireless client; and
providing the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence.

(Emphasis added).

Applicant respectfully submits that claim 1 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1, as amended, is allowable for at least the reason that *Hein-Magnussen* does not disclose, teach, or suggest at least **providing by a cellular base station a local exchange point of presence to the wireless client in response to the request**. Even if, *arguendo*, a local unique address is provided in *Hein-Magnussen*, the local unique address is a temporary IP address provided by a local terminal such as a personal computer. *Hein-Magnussen* fails to teach providing a local exchange point of presence by a cellular base station as claimed. Therefore, *Hein-Magnussen* does not anticipate independent claim 1, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1, as amended, is allowable over the cited references of record, dependent claims 2, 3, and 7-19 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2, 3, and 7-19 contain all the features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2, 3, and 7-19 are patentable over *Hein-Magnussen*, the rejection to claims 2, 3, and 7-19 should be withdrawn and the claims allowed.

B. Claim 20

The Office Action rejects claim 20 under 35 U.S.C. §102(e) as allegedly being anticipated by *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 20, as amended, recites:

20. A communication apparatus comprising a gateway configured to:
receive a request for a telecommunications service from a wireless client;
***provide by a cellular base station a local exchange point of presence
to the wireless client in response to the request***, the local
exchange point of presence based on the geographic location of
the wireless client; and
provide the telecommunications service to the wireless client with a local
telephone number through the local exchange point of presence.
(Emphasis added).

Applicant respectfully submits that claim 20 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 20, as amended, is allowable for at least the reason that *Hein-Magnussen* does not disclose, teach, or suggest at least **provide by a cellular base station a local exchange point of presence to the wireless client in response to the request**. Even if, *arguendo*, a local unique address is provided in *Hein-Magnussen*, the local unique address is a temporary IP address provided by a local terminal such as a personal computer. *Hein-Magnussen* fails to teach providing a local exchange point of presence by a cellular base station as claimed. Therefore, *Hein-Magnussen* does not anticipate independent claim 20, and the rejection should be withdrawn for at least that reason.

C. Claim 21

The Office Action rejects claim 21 under 35 U.S.C. §102(e) as allegedly being anticipated by *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 21, as amended, recites:

21. A communications apparatus, comprising:
means for receiving a request for a telecommunications service from a wireless client;
means for providing by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the geographic location of the wireless client; and
means for providing the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence.

(Emphasis added).

Applicant respectfully submits that claim 21 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 21, as amended, is allowable for at least the reason that *Hein-Magnussen* does not disclose, teach, or suggest at least **means for providing by a cellular base station a local exchange point of presence to the wireless client in response to the request**. Even if, *arguendo*, a local unique address is provided in *Hein-Magnussen*, the local unique address is a temporary IP address provided by a local terminal such as a personal computer. *Hein-Magnussen* fails to teach providing a local exchange point of presence by a cellular base station as claimed. Therefore, *Hein-Magnussen* does not anticipate independent claim 21, and the rejection should be withdrawn for at least that reason.

D. Claims 22 and 23

The Office Action rejects claims 22 and 23 under 35 U.S.C. §102(e) as allegedly being anticipated by *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 22, as amended, recites:

22. A computer-readable storage medium comprising:
logic configured to receive a request for a telecommunications service from a wireless client;
logic configured to provide by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the geographic location of the wireless client; and
logic configured to provide the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence.

(Emphasis added).

Applicant respectfully submits that claim 22 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 22, as amended, is allowable for at least the reason that *Hein-Magnussen* does not disclose, teach, or suggest at least **logic configured to provide by a cellular base station a local exchange point of presence to the wireless client in response to the request**. Even if, *arguendo*, a local unique address is provided in *Hein-Magnussen*, the local unique address is a temporary IP address provided by a local terminal such as a personal computer. *Hein-Magnussen* fails to teach providing a local exchange point of presence

by a cellular base station as claimed. Therefore, *Hein-Magnussen* does not anticipate independent claim 22, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 22, as amended, is allowable over the cited references of record, dependent claim 23 (which depends from independent claim 22) is allowable as a matter of law for at least the reason that dependent claim 23 contains all the features of independent claim 22. Therefore, since dependent claim 23 is patentable over *Hein-Magnussen*, the rejection to claim 23 should be withdrawn and the claim allowed.

V. Rejections Under 35 U.S.C. §103(a)

A. Claims 4-6

The Office Action rejects claims 4 and 6 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Chen, et al.* (U.S. Publication No. 2003/0054810). The Office Action rejects claim 5 under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Chen, et al.* (U.S. Publication No. 2003/0054810) in further view of *Mousseau, et al.* (U.S. Patent No. 5,559,800). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 4-6 (which depend from independent claim 1)

are allowable as a matter of law for at least the reason that dependent claims 4-6 contain all the features of independent claim 1. Therefore, the rejection to claims 4-6 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claims 4 and 6, *Mousseau* does not make up for the deficiencies of *Hein-Magnussen* noted above. Further, with regard to claim 5, *Chen* does not make up for the deficiencies of *Hein-Magnussen* and *Mousseau* noted above. Therefore, claims 4 and 6 are considered patentable over any combination of these documents.

VI. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-23 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

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